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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAMELA DITTMAR,
Plaintiff,

v.

CITY OF NORTH LAS VEGAS, a municipal
corporation,
Defendant.

Case No. 2:17-cv-02916-JAD-BNW

**ORDER GRANTING STIPULATION
TO EXTEND THE PARTIES' REPLY
DEADLINES FOR ONE DAY**

(Ninth Request)

[ECF No. 111]

NOW COMES the Plaintiff, Pamela Dittmar, by and through her attorneys, Melanie A. Hill and Melanie Hill Law PLLC, and Defendant, City of North Las Vegas, by and through its attorneys, R. Todd Creer, Kaitlin H. Paxton, and Kamer Zucker Abbott, who hereby stipulate that the deadline for Plaintiff to file her response to the currently pending dispositive motion be extended from the current deadline of August 2, 2021 up to and including August 9, 2021.

This is the ninth request for an extension of the dispositive motion deadline. The first request was by stipulation to extend the dispositive motion deadline thirty (30) days from the extended discovery cutoff deadline to complete the remaining two depositions. The second request was by motion due to Plaintiff's counsel's ongoing illness with Covid-19 symptoms. The third request was by stipulation due to Plaintiff's counsel's immediate family member's emergency hospitalization for

1 nearly one week. The fourth request was by stipulation due to Plaintiff's counsel's significant
2 injuries from two separate accidents. The fifth request was by stipulation due to Plaintiff's counsel's
3 significant injuries from two separate accidents to allow her to have additional diagnostic tests, pain
4 management, and give her additional time from her original estimate on a requested extension to
5 treat and heal. The sixth request was made by stipulation to allow Plaintiff's counsel additional time
6 to obtain assistance with the formatting and preparation of the response exhibits and citations to the
7 same in the response because her paralegal had a medical procedure last Friday and could not assist
8 counsel due to a medical procedure. This seventh request was by stipulation due to an acute gastro
9 illness that Plaintiff's counsel was suffering from. This eighth request was by stipulation due to
10 Plaintiff's counsel's continued injuries that have gotten worse and now require Plaintiff's counsel to
11 get a wrist injection and two nerve blocks and two nerve ablations. The wrist injection and
12 numerous doctors' appointments and physical therapy visits occurred last week and the nerve
13 procedures are scheduled to occur next week on July 27 and 29 preventing counsel from working
14 those days due to the medication and cause her difficulty working this week due to the increased
15 pain. It was also due to Plaintiff's counsel's prescheduled vacation for the Fourth of July holiday
16 and the following week and a half that coincided with the reply deadline. This ninth request is by
17 stipulation due Plaintiff's counsel's continued pain making it difficult for her to sit for more than 2
18 hours at a time to work and because she had to cancel her nerve procedures. Counsel for Plaintiff
19 was supposed to have nerve procedures on her back last week that she was unable to have due to the
20 Covid-19 pandemic because they were to take place in a surgery center setting and the numbers are
21 so high that counsel did not think it was safe to do so. As a result, counsel for plaintiff is dealing
22 with back and neck pain that make it difficult for her to work for more than two hours at a time. The
23 additional time will allow her to complete the reply and accommodate her pain and the limited time
24 she can work each day. This request is also made to accommodate a technical issue creating video
25 clips from a deposition and counsel for Plaintiff needs to re-request the video from the court
26 reporting company. Given the dispositive nature of this motion, counsel requested, and the parties
27 stipulated, to this additional extension due to Plaintiff's counsel's injuries and pain and this technical
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1 issue so that Ms. Dittmar is not prejudiced in her case due to counsel's injuries from a fall and rear
2 end car accident in April.

3 As soon as it became apparent to counsel for Plaintiff that additional time was necessary to
4 finalize the reply, counsel sent an email to counsel for Defendant this morning requesting this
5 additional extension.

6 In support of this Stipulation and Order, the parties state as follows:

7 1. The current deadline to file replies to the currently pending dispositive motions is
8 August 2, 2021. When the parties first entered into a stipulation to extend the dispositive motion
9 deadline, it was to extend the dispositive motion deadline to thirty (30) days from the extended
10 discovery cutoff deadline to complete the remaining two depositions. When the parties next
11 entered into a stipulation to extend the dispositive motion deadline, it was to extend the dispositive
12 motion deadline thirty (30) days due to Plaintiff's counsel's ongoing illness with Covid-19
13 symptoms. The parties then entered into a stipulation for an additional seven (7) days due to
14 Plaintiff's counsel's family member's health emergency. The parties then stipulated to extend the
15 dispositive motion deadline due to Plaintiff's counsel's significant injuries from two separate
16 accidents to allow Plaintiff's counsel to have additional diagnostic tests, pain management, and
17 additional time from her original estimate on a requested extension to treat and heal. The parties
18 again stipulated to an extension to allow Plaintiff's counsel addition time to prepare seek assistance
19 in preparing her exhibits that she needs to cite to in the response and declarations. Due to Plaintiff's
20 counsel's continued pain from two separate accidents, she was also not able to sit and work for long
21 periods of time and the exhibit formatting and preparation, in addition to the response preparation is
22 very time consuming and her pain has increased due to time spent sitting and working and standing
23 and working at her standing desk for lengthy periods of time. As a result of needing to take lengthy
24 breaks to reduce the pain, counsel for Plaintiff sought additional time and assistance to complete the
25 response and exhibits necessitating the final two stipulations to extend the response and reply
26 deadlines.

27 2. The parties stipulated to extend the reply deadline after Plaintiff's counsel's wrist
28 injection occurred and her nerve block, and nerve ablations were recommended and scheduled.

1 Plaintiff's counsel further informed counsel for Defendant that she had a wrist injection and
2 numerous doctors' appointments, including physical therapy visits, last week necessitating this
3 extension request in addition to a prescheduled vacation over the fourth of July holiday. The nerve
4 procedures were scheduled to occur last week on July 27 and 29, however counsel had to cancel
5 them due to the Covid numbers increasing substantially because counsel did not think it was safe to
6 spend two days in a surgery center. As a result, counsel for plaintiff is dealing with back and neck
7 pain that make it difficult for her to work for more than two hours at a time. The additional time will
8 allow her to complete the reply and accommodate her pain and the limited time she can work each
9 day. This request is also made to accommodate a technical issue creating video clips from a
10 deposition and counsel for Plaintiff needs to re-request the video from the court reporting company.
11 Given the dispositive nature of this motion, counsel requested, and the parties stipulated, to this
12 additional extension due to Plaintiff's counsel's injuries and pain so that Ms. Dittmar is not
13 prejudiced in her case due to counsel's injuries from a fall and rear end car accident in April.
14 Additionally, due to Plaintiff's continued pain from two separate accidents, she is also not able to sit
15 and work for long periods of time.

16 3. Through this Stipulation, and to avoid prejudice to Defendant in preparing and filing
17 its briefs on the same day, this stipulation extends the deadline for both parties to file their replies.
18 The new reply deadline the parties have stipulated to is August 9, 2021.

19 4. Through this Stipulation, the parties request that the Court extend the deadline to file
20 Plaintiff's reply in support of their motion for partial summary judgement and Defendant's reply in
21 support of their motion for summary judgment until August 9, 2021. No other deadlines are being
22 extended by this motion, such as the deadline for discovery and to file a motion to compel written
23 discovery.

24 5. Courts in the District of Nevada have routinely held extensions of deadlines for
25 illness and the "practicalities of life" establish good cause for the requested extension. In *Morales v.*
26 *McDaniel*, District of Nevada Magistrate Judge Baldwin found good cause to grant an extension and

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1 held as follows:

2 “The proper procedure, when additional time for any purpose is needed, is to present to
3 the Court a timely request for an extension before the time fixed has expired (*i.e.*, a
4 request presented before the time then fixed for the purpose in question has expired).”
5 *Canup v. Miss. Valley Barge Line Co.*, 31 F.R.D. 282, 283 (D. Pa. 1962). The *Canup*
6 Court explained that “the practicalities of life” (such as an attorney’s “conflicting
7 professional engagements” or personal commitments such as vacations, family
8 activities, illnesses, or death) often necessitate an enlargement of time to comply with a
9 court deadline. *Id.* Extensions of time “usually are granted upon a showing of good
10 cause, if timely made.” *Creedon v. Taubman*, 8 F.R.D. 268, 269 (D. Ohio 1947). The
11 good cause standard considers a party’s diligence in seeking the continuance or
12 extension. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

13 2019 U.S. Dist. LEXIS 173103 (D. Nev. Oct. 3, 2019).

14 6. This Stipulation to extend Plaintiff’s dispositive motion response deadline is
15 brought in good faith, with a showing of good cause, and is not sought for any improper
16 purpose or other purpose of delay, but to allow counsel for the Plaintiff additional time to finalize
17 and file her reply due to her pain from her injuries and to accommodate the technical issue with one
18 of the deposition videos that counsel needs to create video clips from. This extension will allow
19 counsel for Plaintiff the additional time necessary to do so in light of her medical issues, pain, and
20 technical issue necessitating requesting another copy a the deposition video from the court reporter.

21 7. In accordance with LR 26-3, a stipulation to extend any date set by the discovery
22 plan, scheduling order, or other order must, in addition to satisfying the requirements of LR IA 6-1,
23 be supported by a showing of good cause for the extension. Local R. 26-3. Plaintiff submits that
24 good cause exists under the totality of the circumstances provided herein due to her medical issues,
25 ongoing pain, and technical issue necessitating requesting another copy a the deposition video from
26 the court reporter until August 9, 2021.

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WHEREFORE, the parties respectfully request by this Stipulation that the Court extend the deadline for the parties to file their replies to the pending dispositive motion from the current deadline of August 2, 2021 up to and including August 9, 2021.

DATED this 2nd day of August, 2021.

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Order

The parties stipulate for a third time to extend the deadline for plaintiff Pamela Dittmar to file her reply in support of her summary-judgment motion to August 9, 2021. Good cause appearing, IT IS HEREBY ORDERED that the parties' stipulation to extend time [ECF No. 111] is GRANTED, however, given the excessive number of extensions that have been sought by plaintiff's counsel for the parties' summary-judgment briefs, NO FURTHER EXTENSION OF THIS DEADLINE WILL BE GRANTED.


JENNIFER A. DORSEY
UNITED STATES DISTRICT JUDGE

Dated: August 4, 2021